

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 6, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2917

Introduced by Assembly Member ~~Goldberg~~ Members Liu and
Goldberg

February 24, 2006

~~An act to add Section 6251.5 to the Penal Code, relating to community correctional facilities. An act to add Chapter 5 (commencing with Section 3430) to Title 2 of Part 3 of the Penal Code, relating to inmates.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 2917, as amended, ~~Goldberg~~ Liu. ~~Community correctional centers. Inmates: female offenders.~~

Existing law establishes programs for female offenders. This includes a community treatment program under which certain female state prison inmates who have one or more children under 6 years of age are eligible for specified privileges, including the release of the mother and children to a facility in the community that is suitable for their needs.

This bill would make legislative findings and declarations regarding the unique needs of female state prison inmates and their families. The bill would establish a permanent commission to evaluate the conditions of these inmates and make findings and recommendations to the Department of Corrections and Rehabilitation so that it may develop gender responsive strategies and programs, as specified.

~~Existing law authorizes the Department of Corrections and Rehabilitation to contract for the establishment and operation of community correctional facilities that offer programs for the treatment of addiction to alcohol or controlled substances, based on the therapeutic community model, under certain conditions.~~

~~This bill would require the department to expand the use of community correctional centers in order to manage, supervise, and treat nonviolent, nonserious female offenders.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 5 (commencing with Section 3430) is
2 added to Title 2 of Part 3 of the Penal Code, to read:

3
4 CHAPTER 5. NONVIOLENT FEMALE OFFENDERS

5
6 3430. The Legislature finds and declares all of the following:

7 (a) Of the 166,000 individuals incarcerated in California's
8 prisons, 11,600 are women. There are an additional 11,000
9 women on parole.

10 (b) The vast majority of female inmates are not a threat to
11 public safety. Female inmates disproportionately commit
12 nonviolent property or drug-related crimes. More women
13 prisoners have been victims of violent crimes than were
14 convicted of violent crimes.

15 (c) In 2005, more than two-thirds of female inmates in
16 California prisons were serving sentences for property (35.3
17 percent), drug (29.9 percent) or other, nonviolent, offenses (4.7
18 percent).

19 (d) Women entering prison are more likely than their male
20 counterparts to be unemployed and uneducated, more likely to
21 suffer from mental illness and health problems, and are more
22 severely addicted to drugs. They are also significantly more
23 likely to be the primary caregivers of young children.

24 (e) Approximately 80 percent of women in state prisons have
25 substance abuse problems. About half had been using alcohol,
26 drugs, or both at the time of their offense.

1 (f) *The current correctional system fails to take into account*
2 *the unique characteristics and needs of women prisoners. The*
3 *state has made only minimal efforts to provide the*
4 *gender-responsive strategies that experts agree are essential for*
5 *female prisoners and parolees to become self-sufficient and*
6 *law-abiding citizens.*

7 (g) *Correctional institutions are managed based on policies*
8 *and procedures developed for the management of male prisoners.*

9 (h) *Gender differences in women's pathways to imprisonment,*
10 *offense patterns, behavior while incarcerated, and their needs*
11 *before, during, and after incarceration must be considered in*
12 *planning appropriate correctional policies and intervention.*

13 (i) *Mega-prisons, designed primarily to incapacitate and*
14 *punish violent offenders, are not effective for the majority of*
15 *female offenders who are nonviolent, serve short sentences, and*
16 *need specific services to successfully return home.*

17 (j) *The state has taken few and minor steps to develop*
18 *community-based facilities that provide gender-responsive*
19 *services to incarcerated mothers with young children.*

20 (k) *Nonviolent offenders incarcerated in smaller, community*
21 *correctional facilities near their children and their families with*
22 *access to educational and treatment services are much more*
23 *likely to successfully transition from prison to the outside world*
24 *than are similar inmates in the current system.*

25 3431. (a) *There is hereby established a permanent Gender*
26 *Responsive Strategies Commission for the purpose of evaluating*
27 *the conditions of female offenders in the California correctional*
28 *system and making recommendations to assist the department in*
29 *developing gender responsive strategies and programs to*
30 *address specific issues facing women in prison.*

31 (b) *The focus of the commission shall be to develop gender*
32 *specific strategies and procedures to address and meet the needs*
33 *of women, to the extent possible, including, but not limited to the*
34 *following areas:*

35 (1) *Pregnant women.*

36 (2) *Mothers of dependent and minor children.*

37 (3) *Women who have been victims of crime themselves.*

38 (4) *Women requiring substance abuse treatment, mental*
39 *health services, and access to adequate medical and dental care.*

1 (5) *Poor nutritional habits and lifestyles, and lack of daily*
2 *physical exercise.*

3 (6) *Women who committed crimes to enable a domestic*
4 *abuser.*

5 (7) *Women who committed crimes in self-defense against a*
6 *domestic abuser.*

7 (8) *Elderly women prisoners.*

8 (9) *Women who possess few or no employment skills, or who*
9 *do not have a high school diploma or GED.*

10 (10) *Women who do not receive regular visits or have strong*
11 *family support while in prison.*

12 (11) *Women who have self-worth and esteem issues, including*
13 *those whose issues stem from being survivors of domestic*
14 *violence.*

15 (12) *Women who have developmental disabilities or learning*
16 *disabilities.*

17 (c) *The commission shall be established and fully operational*
18 *no later than January 1, 2008.*

19 (d) *The commission shall report its findings and*
20 *recommendations annually in writing to the Secretary of the*
21 *Department of Corrections and Rehabilitation, with the first*
22 *report to be submitted no later than January 1, 2009. The*
23 *secretary shall compile the commission's findings and*
24 *recommendations into a final report to the Legislature and the*
25 *Governor; to be submitted no later than March 1, 2009. At the*
26 *request of any member, the report may include minority findings*
27 *and recommendations.*

28 (e) *The commission shall operate under the auspices of the*
29 *department and shall report any obstacles to carrying out its*
30 *mission to the Inspector General.*

31 (f) *The commission shall develop and update a gender*
32 *responsive written policy on the management and supervision of*
33 *women offenders.*

34 (g) *The commission shall meet once every two months and*
35 *shall have the authority to create subcommittees as appropriate.*
36 *All meetings shall be open to the public. The first meeting shall*
37 *be held no later than March 1, 2008.*

38 3432. (a) *The commission shall consist of 10 standing*
39 *members. The commission shall encourage participation from a*
40 *variety of stakeholders, including advocates for incarcerated*

1 women, families of incarcerated women, ex-offenders, and
2 others. The commission shall be chaired by the Associate
3 Director of Women's Services of the department. Reimbursement
4 of necessary expenses may be provided at the discretion of the
5 respective appointing authority or agency participating on the
6 commission.

7 The commission shall be comprised of the following
8 representatives or their designees:

9 (1) The Governor shall have six appointees: two of which shall
10 be members of the department; two of which shall be
11 nationally-recognized experts on gender responsive issues in
12 corrections; one of which shall be Director of the Department of
13 Mental Health or their designee; one of which shall be Director
14 of the Department of Health Services or their designee.

15 (2) The Senate pro Tempore shall have two appointees: one of
16 which shall be a female Senator who has taken a leadership role
17 in prison reform issues; one of which shall be a female
18 ex-offender representing a prison reform organization or an
19 advocate from an organization supporting family members of
20 women incarcerated under the jurisdiction of the department.

21 (3) The Speaker of the Assembly shall have two appointees:
22 one of which shall be a female Assembly Member who has taken
23 a leadership role in prison reform issues; one of which shall be a
24 female ex-offender representing a prison reform organization or
25 an advocate from an organization supporting family members of
26 women incarcerated under the jurisdiction of the department.

27 (b) All persons shall be appointed to a four year term and may
28 be reappointed to one additional four year term.

29 (c) Commissioners will be allowed a travel per diem at a rate
30 designated by the state. All other individuals or organizations
31 from the community or the public are responsible for their own
32 financial burden to participate in these meetings.

33 3433. (a) The commission shall identify issues relating to
34 female inmates' quality of life and opportunities for
35 rehabilitation by involving a diverse group of stakeholders;
36 evaluate programs and services for female inmates; disseminate
37 new research; and make recommendations regarding the
38 conditions and needs of women prisoners, especially with respect
39 to the issues listed in subdivision (b) of Section 3431.

1 **(b)** *The commission shall assist the department in developing*
2 *gender specific guidelines for programs, procedures, and*
3 *services that meet the needs of women prisoners and are*
4 *specifically focused on issues relating to health, education,*
5 *economic stability, and access to consistent family and*
6 *community support.*

7 ~~SECTION 1. Section 6251.1 is added to the Penal Code, to~~
8 ~~read:~~

9 ~~6251.1. The department shall expand the use of community~~
10 ~~correctional centers, including camps, mother infant centers,~~
11 ~~community correctional facilities, reentry centers, substance~~
12 ~~abuse treatment facilities, and other similar facilities, in order to~~
13 ~~manage, supervise, and treat nonviolent, nonserious female~~
14 ~~offenders, consistent with the recommendations of the~~
15 ~~department's Gender Responsive Strategies Commission~~
16 ~~regarding female offender housing and rehabilitation. The~~
17 ~~purpose of the expansion is to increase options for community~~
18 ~~assessment, placements, and services for those inmates, using~~
19 ~~evidence-based research. In doing so, the Female Offender~~
20 ~~Program and Services Office within the department shall work~~
21 ~~collaboratively with persons with expertise from the following~~
22 ~~areas: Legislature, community leaders, treatment providers, labor~~
23 ~~groups, previously incarcerated persons, and national experts.~~